

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JEREMY LEE DUSENBERG,

Plaintiff,

v.

RICHARD LISENBEE, et al.,

Defendants,

No. 4:16-CV-1768 CEJ

MEMORANDUM AND ORDER

Plaintiff, a prisoner in the Phelps County jail, brings this action pursuant to 42 U.S.C. § 1983, asserting violations of his constitutional rights. Plaintiff, who is *pro se*, has submitted a complaint but he has neither paid the filing fee nor filed a motion to proceed in forma pauperis. Plaintiff will be required to do one or the other before he can proceed with this case. *See* 28 U.S.C. § 1915(a). If plaintiff files a motion to proceed in forma pauperis, he must also file a certified copy of his prison account statement for the six-month period immediately preceding the filing of his complaint. *See* 28 U.S.C. § 1915(b).

Under the local rules of this Court, “[a]ll actions brought by pro se plaintiffs or petitioners should be filed on Court-provided forms where applicable.” E.D. Mo. Local Rule 2.06(A). Because plaintiff did not comply with Local Rule 2.06(a), the Court will require him to file an amended complaint on a Court-

provided form in accordance with the instructions set forth below. *Id.* (“If an action is not filed on a Court-provided form, the Court, in its discretion may order the pro se plaintiff or petitioner to file the action on a Court-provided form.”).

All of the plaintiff’s claims in this action must be included in one, centralized complaint form. *See* Fed. R. Civ. P. 7(a)(1), 8(a). The Court will not search through supplemental and prior pleadings in order to piece together plaintiff’s claims, nor will it require the defendants to do so. **As such, plaintiff is warned that the filing of an amended complaint replaces the original complaint and all previously-filed pleadings and supplements.** *See, e.g., In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005). **Any claims from the original complaint, supplements, and/or pleadings that are not included in the amended complaint will be deemed abandoned and will not be considered.** *Id.* **Plaintiff is advised that the amended complaint will replace the original complaint and will be the only pleading this Court reviews.** *Id.* **As to each defendant named in the amended complaint, plaintiff must state whether he is suing that defendant in his or her official capacity or individual capacity.**

In the "Caption" section of the amended complaint, plaintiff must state the name of each defendant he wishes to sue. In the "Statement of Claim" section, plaintiff should begin by writing the first defendant’s name. In separate, numbered

paragraphs under the name, plaintiff should (1) set forth in the allegations supporting his claim(s) against that defendant, as well as the constitutional right(s) that he claims that defendant violated and (2) state whether the defendant is being sued in his/her individual capacity or official capacity. Plaintiff should then proceed in the same manner with each of the remaining defendants.

The amended complaint must contain short and plain statements showing that plaintiff is entitled to relief. The allegations must be simple, concise, and direct, and the numbered paragraphs must each be limited to a single set of circumstances. If plaintiff needs more space, he may attach additional sheets of paper to the amended complaint. **No exhibits are to be attached to the amended complaint.** Plaintiff must sign the amended complaint and return it to the Court by the deadline set forth below.

Plaintiff is reminded that he is required to submit his amended complaint on a court-provided form, and the amended complaint must comply with Rules 8 and 10 of the Federal Rules of Civil Procedure. After receiving the amended complaint, the Court will review it pursuant to 28 U.S.C. § 1915. Plaintiff's failure to make specific and actionable allegations against a defendant will result in the dismissal of this case against that defendant. If the amended complaint does not comply with the Court's instructions or if it is not filed by the deadline, this action will be dismissed without prejudice and without further notice. If the case is dismissed for

non-compliance with this Order, the dismissal will **not** count as a “strike” under 28 U.S.C. § 1915(g).

Accordingly,

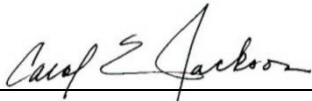
IT IS HEREBY ORDERED that the Clerk is directed to mail to plaintiff a copy of the Court’s prisoner civil rights complaint form.

IT IS FURTHER ORDERED that the Clerk is directed to mail to plaintiff a copy of the motion to proceed in forma pauperis form for prisoners.

IT IS FURTHER ORDERED that plaintiff shall have until **December 15, 2016**, to file an amended complaint that complies with the instructions in this Order.

IT IS FURTHER ORDERED that plaintiff shall have until **December 15, 2016**, to either (a) pay the \$400.00 filing fee **or** (b) submit a motion to proceed in forma pauperis and a certified copy of plaintiff’s prison account statement for the six-month period preceding the filing of the complaint.

Dated this 15th day of November, 2016.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE